

ORIGINAL

IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
COURT	FILED
SEP 24 2014	
CLERK, U.S. DISTRICT COURT	
By	Deputy

UNITED STATES OF AMERICA

v.

EVAN PATTERSON (1)
KELVIN WILLIAMS (2)

CRIMINAL NO.

3 - 14 CR - 378 - L

INDICTMENT

The Grand Jury Charges:

INTRODUCTION

At all times material to this Indictment, unless otherwise indicated:

1. Defendant **Evan Patterson (“Patterson”)** and defendant **Kelvin Williams (“Williams”)** were U.S. citizens and resided in the Northern District of Texas.
2. The following companies: Nike, Ugg, Beats, Burberry, Cartier, Chanel, Christian Dior, Carolina Herrera, New Era, Oakley, Michael Kors, North Face, National Football League, Coach, Gucci, National Basketball Association, Major League Baseball, Ray Ban, Prada, Ralph Lauren, Versace, Vera Wang, White Diamonds, Tory Burch, Armani, True Religion, Rolex, Lacoste, Fendi, Dolce & Gabbana, Hermes, and Louis Vuitton registered and owned trademarks (collectively, the “Trademarks”) on the principal register of the United States Patent and Trademark Office (“USPTO”) that were registered for use as described below:

Reference Name	Company	U.S. Trademark Registration No.	Description
Armani	Giorgio Armani S.P.A.	1156891	"Giorgio Armani" word mark, perfume
Beats	Beats Electronics, LLC	3881677	Design and word mark, headphones
Beats	Monster Cable Products, Inc.	2799884	Design mark, electrical cables, wires and connectors for audio components
Beats	Nanoventions, Inc.	2862142	"Unison" work mark, plastic film
Burberry	Burberry Ltd.	2022789	Design mark, belts
Burberry	Burberry Ltd.	2732617	Design mark, perfumes
Burberry	Burberry Ltd.	2629931	"Burberry" word mark, perfumes
Burberry	Burberry Ltd.	2634190	"Burberry Touch" word mark, perfumes
212 Sexy	Carolina Herrera Ltd.	2052980	"Carolina Herrera" word mark, perfume
Cartier	Cartier International B.V.	1329299	"Cartier" word mark, eyeglasses and eyeglass frames
Chanel	Chanel, Inc.	1654252	CC Monogram design, sunglasses
Chanel	Chanel, Inc.	3982024	"Chance Chanel Eau Tendre" word mark, perfume
Chanel	Chanel, Inc.	1734822	"C'C" stylized design mark, handbags, wallets
Christian Dior	Parfums Christian Dior, S.A. Corp.	2696047	"J'Adore" typed drawing mark, perfume
Christian Dior	Parfums Christian Dior, S.A. Corp.	3176192	"Fahrenheit Dior" word mark, perfume
Coach	Coach Services, Inc.	86199155	"Coach New York" word mark, eyewear
Coach	Coach Services, Inc.	3696470	CC Design mark, headgear
Coach	Coach, Inc.	2832589	Signature 8 C design mark, sunglasses
Dolce & Gabbana	Stephano Gabbana	1742622	"Dolce & Gabbana" word mark, perfume, eyeglasses, handbags, wallets, purses
Fendi	Fendi Adele S.R.L.	1439955	"F" and "Fendi" word mark, belts, handbags
Gucci	Gucci America, Inc.	3039629	Interlocking Non-Facing GG mark, footwear and belts
Gucci	Gucci America, Inc.	3443328	Horsebit Design attached mark, handbags
Gucci	Gucci America, Inc.	3660040	Gucci Crest Design mark, sunglasses
Gucci	Gucci American, Inc.	3376129	Word mark, wallets, handbags

Hermes	Hermes	1292597	Horse & Carriage with Trainer Design mark, belts
Jadore	Parfums Christian Dior	2455674	"Jadore" word mark, perfume
Lacoste	Lacoste Alligator, S.A.	1035615	"Lacoste" word mark, perfume
Louis Vuitton	Louis Vuitton Malletier	2378388	Louis Vuitton Paris and Design mark, handbags, shoulder bags, brief cases, pocket wallets, purses
Louis Vuitton	Louis Vuitton Malletier	0297594	"LV" word mark and design mark, handbags
Louis Vuitton	Louis Vuitton Malletier	4192541	"LV" and flower-like design mark, sunglasses, accessories for telephones, tablets, backpacks, handbags, wallets, purses
Louis Vuitton	Louis Vuitton Malletier	1841850	Flowers within a partially shaded square design mark, handbags, briefcases, wallets, pocket wallets
Louis Vuitton	Louis Vuitton Malletier	1990760	"Louis Vuitton" word mark, belts, watches, handbags, wallets, pocket wallets
Louis Vuitton	Louis Vuitton Malletier	1519828	"LV" stylized word mark, handbags, pocketbooks
Louis Vuitton	Louis Vuitton Malletier	3023930	Flower in Circle design mark, sunglasses
Louis Vuitton	Louis Vuitton Malletier	3051235	Flower in Rhombus design mark, sunglasses
Louis Vuitton	Louis Vuitton Malletier	3021231	Flower Design mark, sunglasses
Louis Vuitton	Louis Vuitton Malletier	2828919	Brass Lock mark, wallets, bags, purses, leather and imitation leather products, packs, handbags, wallets, belts
Louis Vuitton	Louis Vuitton Malletier	2421618	Checkered Patterson design mark, rucksacks, handbags
Louis Vuitton	Louis Vuitton Malletier	2361695	LV logo mark, belts
Louis Vuitton	Louis Vuitton Malletier	2263903	Man-Made Textured Patterson design mark, shoulder bags, wallets, handbags, purses, billfolds
Louis Vuitton	Louis Vuitton Malletier	3531297	Louis Vuitton Bags & Trunk Logo mark, rucksacks, handbags, sling bags, shoulder bags, purses, wallets
Michael Kors	Michael Kors L.L.C.	2049326	"Michael Kors" word mark, belts
Michael Kors	Michael Kors L.L.C.	2520757	"Michael Kors" word mark, handbags, backpacks

Michael Kors	Michael Kors L.L.C.	3438412	"MK" word mark, sunglasses, eyewear cases, handbags, clothing
Michael Kors	Michael Kors L.L.C.	3160981	"Michael Kors" word mark, watches
Michael Kors	Michael Kors L.L.C.	2520758	"Michael Kors" word mark, eyeglasses, eyeglass cases
MLB	Major League Baseball Properties	2675477	"MLB Authentic Collection" word mark, clothing caps, hats, jerseys
NBA	NBA Properties, Inc.	73696675	Drawing Lined for the Colors Red and Blue design mark plus words and letters, and/or numbers, t-shirts, sport shirts
NBA	NBA Properties, Inc.	74415223	Typed drawing mark, jerseys
NBA	NBA Properties, Inc.	1525782	"NBA" word mark plus design mark, footwear, apparel
New Era/Redskins	New Era	3811674	"NE New Era" word mark, hats, baseball caps, apparel, headwear
NFL	National Football League	2941347	Stylized NFL letters mark, jerseys
NFL	National Football League	3581281	Design plus words mark, jerseys
Nike	Nike, Inc.	1284385	Swoosh design mark, apparel
Nike	Nike, Inc.	1325938	Swoosh design mark, footwear
Nike	Nike, Inc.	0978952	"Nike" word mark, athletic shoes
Nike	Āle, Inc.	1307123	"Nike Air" typed drawing mark, footwear
Nike	Nike, Inc.	0977190	Swoosh design mark, athletic shoes
Nike	Nike, Inc.	1742019	Jumpman design mark, footwear and clothing
Oakley	Oakley	1521599	"Oakley" word mark, sunglasses and accessories
Oakley	Oakley, Inc.	1980039	"Oakley" word mark, sunglasses and cases
Ralph Lauren	Polo Ralph Lauren	3306101	Polo Ralph Lauren and Design mark, knit shirts, t-shirts
Ralph Lauren	Polo Ralph Lauren	3514013	"Ralph Lauren Notorious" word mark, perfume
Prada	Prada	4051748	"Prada Milano" word mark, sunglasses
Ray Ban	Luxottica Group S.P.A.	1093658	Ray-Ban (Script) design word mark, stylized lettering, protective covers for sunglasses, eyeglasses
Ray Ban	Luxottica Group S.P.A.	650499	Ray-Ban (Script) design mark, sunglasses
Ray Ban	Luxottica Group S.P.A.	1320460	Ray-Ban in slanted script with serrated mark, sunglasses and carrying cases
Ray Ban	Luxottica Group S.P.A.	1080886	"Ray-Ban" word mark, sunglasses

Rolex	Rolex Watch U.S.A. Inc.	101819	"Rolex" word mark, watches and cases
North Face	The North Face Apparel Corp.	3538773	"The North Face" design plus words, clothing
Tory Burch	Tory Burch LLC	3428374	"Tory Burch" word mark, handbags
True Religion	True Religion	3628973	"True Religion" word mark, jeans
Ugg	Ugg	3050925	"Ugg" word mark, footwear
Vera Wang	V.E.W. Ltd. Corp.	3184309	"Vera Wang Princess" word mark, perfume
Versace	Gianni Versace S.P.A.	2190233	"Versace" word mark, glasses and sunglasses
Versace	Gianni Versace S.P.A.	2426052	"Versace Jeans Couture" word mark, belts
Versace	Gianni Versace S.P.A.	2121984	typed drawing mark, perfume, luggage, handbags, wallets, belts, clothing
White Diamonds	DF Enterprises, Inc.	1853981	"White Diamonds" word mark, perfume

3. All of the Trademarks in Paragraph 2 above were in use at all times relevant to this Indictment.
4. The counterfeit marks used by the defendants to sell goods were: (a) spurious marks used in connection with trafficking goods; (b) that were identical with, or substantially indistinguishable from, marks registered for those goods on the principal register in the USPTO and in use, whether or not the defendant(s) knew such marks were so registered; and (c) the use of which was likely to cause confusion, to cause mistake, or to deceive.
5. The counterfeit goods sold by the defendants were clothing, apparel, and accessories manufactured by an unauthorized source to replicate authentic genuine, brand name goods. They bore counterfeit trademarks or logos, and they were manufactured without the authority or permission of the trademark owners.

Count One

Conspiracy to Traffic in Counterfeit Goods
(Violation of 18 U.S.C. § 371)(18 U.S.C. § 2320(a))

6. The allegations contained in paragraphs 1 through 5 of the Introduction to this Indictment are re-alleged and incorporated by reference as though fully set forth in this paragraph.

THE OBJECT OF THE CONSPIRACY

7. Beginning in or about January 2010, and continuing through on or about December 31, 2013, in the Dallas Division of the Northern District of Texas, and elsewhere, defendants **Patterson** and **Williams**, together with persons known and unknown to the Grand Jury, knowingly and intentionally conspired and agreed to traffic in counterfeit goods by knowingly and intentionally trafficking in and attempting to traffic in counterfeit goods that bore a counterfeit mark on or in connection with such goods that were likely to cause confusion, mistake or deception, in violation of 18 U.S.C. §§ 371 and 2320(a).

THE MANNER AND MEANS OF THE CONSPIRACY

8. The object of the conspiracy was carried out, and to be carried out, in substance, as follows:

- a. **Patterson** and **Williams** established and operated a warehouse and showroom used to store and sell counterfeit goods to other persons.
- b. **Patterson** and **Williams** would cause goods bearing counterfeit marks to be imported from overseas suppliers to the United States.
- c. **Patterson** and **Williams** sold and caused to be sold counterfeit goods through numerous registered websites in his name.
- d. **Patterson** and **Williams** opened and attempted to maintain various bank

accounts and payment service companies in order to receive payment for sales of counterfeit goods and make payments to suppliers of the counterfeit merchandise.

e. **Patterson** and **Williams** maintained contact and sales ledgers with different suppliers of counterfeit goods primarily through email.

OVERT ACTS

9. In furtherance of the conspiracy and to accomplish its object, on or about the dates set forth below, **Patterson** and **Williams** performed and caused to be performed, in the Northern District of Texas and elsewhere, the following overt acts, among others:

a. During 2010, **Patterson** sold counterfeit Nike footwear through several websites registered in his name.

b. On or about November 7, 2011, **Patterson** registered the website domain jerseyparadise.com in order to advertise and sell counterfeit goods to consumers.

c. On or about December 10, 2012, **Patterson** registered several different P.O. boxes and used them to receive counterfeit merchandise from suppliers.

d. On or about December 17, 2012, **Patterson** paid a foreign supplier approximately \$50,000 for counterfeit goods.

e. On or about December 20, 2012, **Patterson** sold approximately 540 counterfeit sports jerseys to another person.

f. On or about January 31, 2013, **Patterson** attempted to import a shipment of counterfeit Nike and NFL trademarked jerseys.

g. On or about June 6, 2013, **Patterson** sold counterfeit Louis Vuitton, Michael Kors, NFL, and NBL merchandise to another person from the warehouse and showroom located at 2125 Pioneer Parkway, Grand Prairie, Texas 75051 (“showroom”).

h. On or about June 27, 2013, **Williams** sold counterfeit Michael Kors handbags to another person from the showroom.

i. On or about July 11, 2013, **Patterson** attempted to import a shipment of counterfeit Beats headphones.

j. On or about July 29, 2013, **Patterson** used email addresses to communicate with counterfeit goods suppliers in China.

k. On or about November 14, 2013, **Williams** sold counterfeit Michael Kors, NFL, Ugg, and North Face items to another person at the showroom.

l. On or about November 20, 2013, **Williams** possessed approximately 750 counterfeit items consisting of sports jerseys, Nike shoes, Ugg boots, North Face outerwear, designer handbags, wallets, belts, watches, and perfumes at the showroom.

In violation of 18 U.S.C. § 371 (18 U.S.C. § 2320(a)).

Counts Two through Eight
 Trafficking in Counterfeit Goods, Aiding and Abetting
 (Violation of 18 U.S.C. §§ 2320(a) and 2)

10. The allegations contained in paragraphs 1 through 5 of the Introduction to this Indictment are re-alleged and incorporated by reference as though fully set forth in this paragraph.

11. On or about the dates listed below, in the Dallas Division of the Northern District of Texas, and elsewhere, for each count below, defendants **Evan Patterson** and **Kelvin Williams**, and others known and unknown to the Grand Jury, intentionally trafficked in, attempted to traffic in, and aided and abetted one another and others engaged in trafficking in counterfeit goods, as described below, and knowingly used on and in connection with such goods a counterfeit mark as described below, namely, a spurious mark identical to and substantially indistinguishable from a genuine mark in use and registered for use in connection with those goods on the principal register in the United States Patent and Trademark Office (“USPTO”), and the use of which mark was likely to cause confusion, mistake, and to deceive.

Count	Defendant(s)	Date	Counterfeit Goods
2	Patterson	12/20/2012	540 Nike, NFL Jerseys
3	Patterson	1/31/2013	73 Nike, NFL Jerseys
4	Patterson	6/6/2013	6 items with Louis Vuitton, Michael Kors, MLB, and NFL
5	Williams	6/27/2013	2 items with Michael Kors
6	Patterson	7/11/2013	8 pair Beats Headphones
7	Williams	11/14/2013	6 items with Michael Kors, NFL, Ugg, and The North Face
8	Williams	11/20/2013	597 items with counterfeit Burberry, Cartier, Chanel, Coach, Fendi, Gucci, Hermes, Louis Vuitton, Michael Kors, New Era, Nike, Oakley, Polo Ralph Lauren, Prada, The North Face, Tory Burch, and True Religion marks

All in violation of 18 U.S.C. §§ 2320 and 2.

Count Nine

Conspiracy to Commit Mail Fraud

(Violation of 18 U.S.C. § 1349)(18 U.S.C. § 1341)

12. The allegations contained in paragraphs 1 through 5 of the Introduction to this Indictment are re-alleged and incorporated by reference as though fully set forth in this paragraph.

THE OBJECT OF THE CONSPIRACY

13. Beginning on a date unknown to the Grand Jury, but no earlier than on or about January 1, 2010, and continuing through on or about December 31, 2013, in the Dallas Division of the Northern District of Texas, and elsewhere, defendants **Patterson** and **Williams**, together with persons known and unknown to the Grand Jury, knowingly and intentionally conspired and agreed to commit mail fraud, in violation of 18 U.S.C. §§ 1349 and 1341.

THE MANNER AND MEANS OF THE CONSPIRACY

14. The object of the conspiracy was carried out, and to be carried out, in substance, as follows:

a. **Patterson** and **Williams** established and operated a warehouse and showroom used to store and sell counterfeit goods to other persons.

b. **Patterson** and **Williams** would cause these goods bearing counterfeit marks to be imported from overseas suppliers to the United States using the U.S. mail.

c. **Patterson** and **Williams** used various mail carriers to ship and receive counterfeit goods over the course of the conspiracy.

d. **Patterson** and **Williams** opened several P.O. boxes in order to receive counterfeit goods from suppliers.

In violation of 18 U.S.C. § 1349 (18 U.S.C. § 1341).

Forfeiture Notice
(18 U.S.C. § 2323)

15. As a result of the violations of 18 U.S.C. §§ 371 and 2320, as set forth in Count One through Eight, respectively, defendants **Evan Patterson** and **Kelvin Williams** shall forfeit to the United States any property constituting or derived from proceeds directly or indirectly, or property traceable thereto, as a result of those violations, or any property that was involved in or facilitated the violations, or property traceable thereto, pursuant to 18 U.S.C. § 2323.

A TRUE BILL

Annela Bland
FOREPERSON

SARAH R. SALDAÑA
UNITED STATES ATTORNEY


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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

EVAN PATTERSON (1)
KELVIN WILLIAMS (2)

INDICTMENT

18 U.S.C. § 371 (18 U.S.C. § 2320(a))
Conspiracy to Traffic in Counterfeit Goods

18 U.S.C. §§ 2320(a) and 2
Trafficking in Counterfeit Goods, Aiding and Abetting

18 U.S.C. § 1349 (18 U.S.C. § 1341)
Conspiracy to Commit Mail Fraud

18 U.S.C. § 2323
Forfeiture Notice

9 Counts

A true bill rendered

DALLAS

Angela Bland

FOREPERSON

Filed in open court this 24th day of September, 2014

WARRANTS TO ISSUE as to defendants Evan Patterson and Kelvin Williams

UNITED STATES DISTRICT MAGISTRATE JUDGE

No Magistrate Case Pending

Clerk

[Signature]